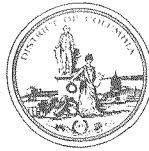


GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15224 of Donald T. Freeman, as amended, pursuant to 11 DCMR 3108.1, for a special exception under section 334 as a temporary community service center for a non-profit organization involved in social research and drug abuse prevention on the first floor in an R-4 District at premises 1865 Kendall Street, N.E., (Square 4047, Lot 4).

HEARING DATE: February 14, 1990
DECISION DATE: February 14, 1990 (Bench Decision)

SUMMARY ORDER

At the public hearing, the Board determined and the applicant consented to amending the application to request a special exception for a temporary community service center under section 334. The use variance from sub-section 330.5 was not needed.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 5B and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 5B. ANC 5B, which is automatically a party to the application, by letter dated February 5, 1990, submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 334. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the

application is GRANTED, SUBJECT to the following CONDITIONS:

1. The hours of operation of the facility shall not exceed from 7:00 A.M. to 10:00 P.M., Monday through Friday and from 10:00 A.M. to 4:00 P.M. on Saturday.
2. The number of employees shall not exceed three full-time employees and two part-time employees.
3. Approval shall be for a period of THREE YEARS.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (Maybelle Taylor Bennett, Paula L. Jewell, William F. McIntosh and Charles R. Norris to grant; Carrie L. Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAY 5 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15224

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mailed to all parties, dated _____, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Donald T. Freeman
3005 Clinton Street, N.E.
Washington, D.C. 20018

George A. Boyd, Chairperson
Advisory Neighborhood Commission 5-B
Webb Elementary School
1375 Mt. Olivet Road, N.E.
Washington, D. C. 20002

A handwritten signature in dark ink, appearing to read "ELC", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: _____